

## § 105.101

- 105.206 Applicable rules and directions.  
105.207 Politically motivated activities with respect to the Minority Small Business Program.  
105.208 Penalties.

### RESTRICTIONS ON SBA ASSISTANCE TO OTHER INDIVIDUALS

- 105.301 Assistance to officers or employees of other Government organizations.  
105.302 Assistance to employees or members of quasi-Government organizations.

### ADMINISTRATIVE PROVISIONS

- 105.401 Standards of Conduct Committee.  
105.402 Standards of Conduct Counselors.  
105.403 Designated Agency Ethics Officials.

AUTHORITY: 5 U.S.C. 7301; 15 U.S.C. 634, 637(a)(18) and (a)(19), 642, and 645(a).

SOURCE: 61 FR 2399, Jan. 26, 1996, unless otherwise noted.

### STANDARDS OF CONDUCT

#### **§ 105.101 Cross-reference to employee ethical conduct standards and financial disclosure regulations.**

In addition to this part, Small Business Administration (SBA) employees should refer to the Uniform Standards of Ethical Conduct for Executive Branch employees at 5 CFR part 2635, the SBA Supplemental Standards of Ethical Conduct at 5 CFR chapter XLIV, and the Uniform Financial Disclosure regulation for Executive Branch employees at 5 CFR part 2634.

### RESTRICTIONS AND RESPONSIBILITIES RELATED TO SBA EMPLOYEES AND FORMER EMPLOYEES

#### **§ 105.201 Definitions.**

(a) *Employee* means an officer or employee of the SBA regardless of grade, status or place of employment, including employees on leave with pay or on leave without pay other than those on extended military leave. Unless stated otherwise, Employee shall include those within the category of Special Government Employee.

(b) *Special Government Employee* means an officer or employee of SBA, who is retained, appointed or employed to perform temporary duties on a full-time or intermittent basis, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days.

## 13 CFR Ch. I (1–1–99 Edition)

(c) *Person* means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

(d) *Household member* means spouse and minor children of an employee, all blood relations of the employee and any spouse who resides in the same place of abode with the employee.

(e) *SBA Assistance* means financial, contractual, grant, managerial or other aid, including size determinations, section 8(a) participation, licensing, certification, and other eligibility determinations made by SBA. The term also includes an express decision to compromise or defer possible litigation or other adverse action.

#### **§ 105.202 Employment of former employee by person previously the recipient of SBA Assistance.**

(a) No former employee, who occupied a position involving discretion over, or who exercised discretion with respect to, the granting or administration of SBA Assistance may occupy a position as employee, partner, agent, attorney or other representative of a concern which has received this SBA Assistance for a period of two years following the date of granting or administering such SBA Assistance if—

(1) The date of granting or administering such SBA Assistance was within the period of the employee's term of employment; or

(2) The date of granting or administering such SBA Assistance was within one year following the termination of such employment.

(b) Failure of a recipient of SBA Assistance to comply with these provisions may result, in the discretion of SBA, in the requirement for immediate repayment of SBA financial Assistance, the immediate termination of other SBA Assistance involved or other appropriate action.

#### **§ 105.203 SBA Assistance to person employing former SBA employee.**

(a) SBA will not provide SBA Assistance to any person who has, as an employee, owner, partner, attorney, agent, owner of stock, officer, director, creditor or debtor, any individual who, within one year prior to the request for